

31A-33-108. Powers and duties of chief executive officer.

(1) The chief executive officer shall:

(a) administer all operations of the Workers' Compensation Fund under the direction of the board;

(b) recommend to the board any necessary or desirable changes in the workers' compensation law;

(c) recommend to the board an annual administrative budget covering the operations of the Workers' Compensation Fund and, upon approval, submit the administrative budget, financial status, and actuarial condition of the fund to the governor and the Legislature for their examination;

(d) direct and control all expenditures of the approved budget;

(e) from time to time, upon the recommendation of a consulting actuary, recommend to the board rating plans, the amount of deviation, if any, from standard rates, and the amount of dividends, if any, to be returned to policyholders;

(f) invest the Injury Fund's assets under the guidance of the board and in accordance with Chapter 18;

(g) recommend general policies and procedures to the board to guide the operations of the fund;

(h) formulate and administer a system of personnel administration and employee compensation that uses merit principles of personnel management, includes employee benefits and grievance procedures consistent with those applicable to state agencies, and includes inservice training programs;

(i) prepare and administer fiscal, payroll, accounting, data processing, and procurement procedures for the operation of the Workers' Compensation Fund;

(j) conduct studies of the workers' compensation insurance business, including the preparation of recommendations and reports;

(k) develop uniform procedures for the management of the Workers' Compensation Fund;

(l) maintain contacts with governmental and other public or private groups having an interest in workers' compensation insurance;

(m) within the limitations of the budget, employ necessary staff personnel and consultants, including actuaries, attorneys, medical examiners, adjusters, investment counselors, accountants, and clerical and other assistants to accomplish the purpose of the Workers' Compensation Fund;

(n) maintain appropriate levels of property, casualty, and liability insurance as approved by the board to protect the fund, its directors, officers, employees, and assets; and

(o) develop self-insurance programs as approved by the board to protect the fund, its directors, officers, employees, and assets to supersede or supplement insurance maintained under Subsection (1)(n).

(2) The chief executive officer may:

(a) enter into contracts of workers' compensation and occupational disease insurance, which may include employer's liability insurance to cover the exposure of a policyholder to his Utah employees and their dependents for liability claims, including the cost of defense in the event of suit, for claims based upon bodily injury to the policyholder's Utah employees;

- (b) reinsure any risk or part of any risk;
- (c) cause to be inspected and audited the payrolls of policyholders or employers applying to the Workers' Compensation Fund for insurance;
- (d) establish procedures for adjusting claims against the Workers' Compensation Fund that comply with Title 34A, Chapters 2 and 3, and determine the persons to whom and through whom the payments of compensation are to be made;
- (e) contract with physicians, surgeons, hospitals, and other health care providers for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from the Workers' Compensation Fund;
- (f) require policyholders to maintain an adequate deposit to provide security for periods of coverage for which premiums have not been paid;
- (g) contract with self-insured entities for the administration of workers' compensation claims and safety consultation services; and
- (h) with the approval of the board, adopt the calendar year or any other reporting period to report claims and payments made or reserves established on claims that are necessary to accommodate the reporting requirements of the Labor Commission, department, State Tax Commission, or National Council on Compensation Insurance.

Amended by Chapter 252, 2003 General Session